

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 25, 2022

SEAN F. MCAVOY, CLERK

United States of America)

v.)

KAI WANG)

Case No. 2:22-mj-00169

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 21, 2022 in the county of Okanogan in the
Eastern District of Washington, the defendant(s) violated:

Code Section

Title 8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

Transportation of Aliens

Maximum penalties: CAG 10 years; \$250,000 fine; 3 years supervised
release; and \$100 special assessment.

This criminal complaint is based on these facts:

See attached affidavit, incorporated by reference herein.

☒ Continued on the attached sheet.
Complainant's signature

Adryan Zwick, Border Patrol Agent

Printed name and title



Sworn to before me and signed in my presence.

Sworn to telephonically and signed electronically.

Date: May 25, 2022
Judge's signatureCity and state: Spokane, Washington

James A. Goeke, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA

Case No. 2:22-mj-00169

v.

KAI WANG

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Adryan Zwick, being first duly sworn, hereby depose and state as follows:

Introduction

1. I submit this affidavit in support of a criminal complaint because there is probable cause to believe that KAI WANG, knowingly and in reckless disregard of the fact that certain aliens, Gui-Fang He, Zhenhua Tian, and Feng-Yun Wang, had come to, entered, and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324 (a)(1)(A)(ii).

2. I have been employed as a Border Patrol Agent with U.S. Border Patrol, U.S. Customs and Border Protection, for over 15 years. I am assigned to the Spokane

Sector Prosecutions Unit in Spokane, Washington. I have learned about this investigation and the facts contained therein from direct participation in the investigation and from the reports and communications of other agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts I believe are necessary to establish probable cause to believe that above-named individual committed the crime described herein.

Probable Cause

3. On or about May 21, 2022, at approximately 4:30 am, Supervisory Border Patrol Agent (“SBPA”) Justin Wagner, was notified via radio by U.S. Border Patrol (“USBP”) Spokane Sector Dispatch of an activation of electronic surveillance equipment in the border area near Del Rosarios Orchard and Eastlake Road in Oroville, Washington. The dispatcher notified SBPA Wagner of a potential attempt by three women to illegally enter the United States. This area is not designated as a port of entry, nor a legal point of entry into the United States from Canada. The dispatcher told SBPA Wagner that three women with bags were on the north side of the US-Canada international boundary fence and that it appeared they were trying to manipulate the wires that made up the fence.

4. Border Patrol Agent (“BPA”) Colin Padilla, who was operating surveillance cameras located in the above referenced border area out of the Oroville Border Patrol Station, contacted SBPA Wagner via radio while he was en route Eastlake Road in his marked patrol vehicle to convey additional information. BPA Padilla stated a group of three unknown, female individuals were walking along the United States side of the US/Canada international boundary fence.

5. At approximately 4:40 am, Patrol Agent in Charge (“PAIC”) Aaron McNair began responding to the area in his unmarked service vehicle.

6. At approximately 4:45 am, SBPA Wagner arrived in the area of Del Rosarios Orchard. In traveling to the area, SBPA Wagner did not encounter any other vehicles on the road leading to the location where the subjects were located via surveillance camera. From his previous experience working in the Oroville area of operations, SBPA Wagner knew that other groups of people had crossed the US-Canada border through Del Rosarios Orchard. Based on this experience SBPA Wagner positioned his service vehicle on a field road approximately 100 yards west of where previous groups had exited Del Rosarios Orchard onto Eastlake Road, behind a hill that prevented observation of his vehicle by anyone exiting Del Rosarios Orchard. SBPA Wagner, via radio, advised the agents of his position. BPA Padilla, via radio, continued to keep SPBA Wagner updated on the progress and location of the three women.

7. At around the same time, PAIC McNair arrived at the south end of Eastlake Road. He did not encounter any other vehicles while traveling to the area. Upon hearing SBPA Wagner state his position, PAIC McNair advised SBPA Wagner, via radio, that he would park near the south end of Eastlake Road and would relay information about any vehicles that he might observe. At approximately 4:55 am, PAIC McNair observed a minivan traveling west on Chesaw Road from Oroville then turn north onto Eastlake Road. PAIC McNair relayed this information via radio to SBPA Wagner and BPA Padilla.

8. BPA Padilla continued to observe the progress of the three women through Del Rosarios Orchard towards the east gate of the orchard near Eastlake Road. Shortly thereafter, BPA Padilla observed a minivan traveling north on Eastlake Road, stop at the east gate of Del Rosarios Orchard, then make a U-turn and stop again at the gate. The three women then entered the vehicle. The minivan then started driving south on Eastlake Road. BPA Padilla relayed this information to SBPA Wagner and PAIC McNair via radio at approximately 5:04 am.

9. SBPA Wagner left his location and began driving south on Eastlake Road. SBPA Padilla continued to relay the direction of travel of the minivan to him via radio. At approximately 5:05 am, while traveling southbound on Eastlake Road, SBPA Wagner caught up to a Green Toyota Sienna minivan, Washington License Plate CAA1051 and received confirmation via radio from BPA Padilla that it was

the minivan he had been observing. SBPA Wagner activated his emergency lights and the Toyota immediately pulled off the road and stopped on the shoulder.

10. SBPA Wagner approached the vehicle and immediately identified himself as a U.S. Border Patrol Agent. SBPA Wagner was able to see three women in the vehicle in addition to the male driver. SBPA Wagner asked the driver for identification. The driver provided a Washington State driver's license that identified him as KAI WANG, with an address in Renton, Washington. SBPA Wagner asked the driver what he was doing in the area. The driver replied, in broken English, that he had just picked up passengers. SBPA Wagner told the driver to turn the vehicle off and to exit the vehicle. After the driver exited the vehicle SBPA Wagner informed him he was under arrest for alien smuggling and placed him in handcuffs.

11. SBPA Wagner then walked the driver to SPBA Wagner's service vehicle and placed him in the back seat. At around the same time, PAIC McNair arrived on scene to assist SBPA Wagner. PAIC McNair attempted to speak with the three women, but it became quickly apparent that none of them understood English. PAIC McNair used hand gestures to communicate to the three women that they needed to exit the minivan. By this time, BPA Padilla had arrived on scene to assist. PAIC McNair and BPA Padilla placed the three women in the back of BPA Padilla's service vehicle. Records checks provided by Spokane Sector Dispatch showed that

the minivan was registered to KAI WANG with a registered address of 11703 172nd Place SE, Renton, Washington, 98059.

12. All four subjects were placed in marked vehicles and transported to the Oroville Border Patrol station for processing and fingerprints. A search of law enforcement databases revealed that the driver of the Toyota Sienna was KAI WANG, a legal permanent resident of the United States and a citizen of the People's Republic of China. At the Oroville Border Patrol Station a telephonic translation service, Interpreters and Translators, Inc. ("ITI"), was used to communicate with all four subjects. With the help of a translator, the three women were identified as Gui-Fang He, a native and citizen of Taiwan, Zhenhua Tian, a native and citizen of the People's Republic of China (Special Administrative Region Hong Kong), and Feng-Yun Wang, a native and citizen of Taiwan. The three women were read their *Miranda* rights and subsequently refused to answer any questions without a lawyer present. All questioning of the three female subjects stopped at this time.

13. KAI WANG was read his *Miranda* rights, waived those rights, and gave a sworn statement with language assistance from ITI. KAI WANG admitted to knowingly transporting aliens for compensation on this occasion. He admitted that he received instruction through Weechat, an electronic messaging service, to travel from Renton, Washington to a specific location at or near Oroville, Washington to pick up aliens and to transport them to Seattle, Washington.

Conclusion

14. Based on the information above, I have probable cause to believe that KAI WANG did transport aliens, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii).

Respectfully submitted,



ADRYAN P. ZWICK
Border Patrol Agent
United States Border Patrol

Sworn to telephonically and signed electronically on this 25th day of May, 2022.



JAMES A. GOEKE
United States Magistrate Judge